

**NATHAN ANTOINE,** )  
) )  
Plaintiff, )  
) )  
v. ) Civil No. **06-795-WDS**  
) )  
**WEXFORD MEDICAL SERVICES, et al.,** )  
) )  
Defendants. )

cannot condition authorization to release the records upon his receipt of free copies. Plaintiff has placed his medical condition and treatment in issue, and defendants are entitled to review his medical records. Defendants agreed to pay the cost for their copies when they requested same from the IDOC and Chester Memorial Hospital. **See, Exhibits attached to Doc. 87.**

Plaintiff's right to access the courts does not grant him a right to have the defendants or the public pay for the costs of his litigation; "there is no right of subsidized access." *Johnson v. Daley*, 339 F.3d 582, 586 (7<sup>th</sup> Cir. 2003); *Lewis v. Sullivan*, 279 F.3d 526, 528 (7<sup>th</sup> Cir. 2002). Likewise, the fact that plaintiff is proceeding in forma pauperis does not mean that he is relieved of the burden of paying his own litigation expenses. *McNeil v. Lowney*, 831 F.2d 1368, 1373 (7<sup>th</sup> Cir. 1987). There is no constitutional "right to xerox." *Jones v. Franzen*, 697 F.2d 801, 803 (7<sup>th</sup> Cir. 1983).

The court cannot shift plaintiff's litigation costs to defendants, their attorneys, third parties, or the public at large. Therefore, the court cannot order defendants or their attorneys to give him free copies of the records. Similarly, the court will not issue subpoenas duces tecum for the production of the records unless the costs are first tendered by plaintiff.

For the foregoing reasons, plaintiff's Motion for Order Compelling Disclosure and Discovery, and Motion for Order of Subpoena Duces Tecum (**Docs. 86 & 91**) are **DENIED**.

**IT IS SO ORDERED.**

**DATE: January 16, 2009.**

**s/ Clifford J. Proud**  
**CLIFFORD J. PROUD**  
**U.S. MAGISTRATE JUDGE**